HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.15992 of 2006

Date : 01-08-2006

Between:

Panchigolla Someshwar Rao

…Petitioner/s

And

The District Collector,
Collector Office, Eluru,
West Godavari District and others.

…Respondent/s

HON'BLE SRI JUSTICE GODA RAGHURAM

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O R D E R :

The petitioner's land in an extent of Ac.1-79 cents in Sy.No.532/1, situated in Lakshminarasimhapuram village, Kalla Mandal, West Godavari District, has been proposed for acquisition. In this behalf, a Notification under Section 4(1) of the Land Acquisition Act, 1894 (for brevity 'the Act') has been issued on 3-7-2006. The petitioner has been issued a notice on 9-7-2006 soliciting objections under Section 5(A) of the Act and the petitioner submitted his objections on 20-7-2006. The petitioner alleges that without taking any decision in the enquiry under Section 5(A) of the Act, the respondents are proceeding to issue a draft Declaration under Section 6 of the Act.

As the enquiry under Section 5(A) of the Act is a Statutory enquiry and as the petitioner is entitled to object and the respondents are obligated to rationally consider the petitioner's objections and the decision taken in the enquiry under Section 5(A) of the Act is pursuant to the exercise of Public authority, the petitioner is entitled to a copy of the decision taken under Section 5(A) of the Act. From this obligation, there is no escape on Public and Administrative Law principles, including under the

provisions of the Right to Information Act, 2005.

In the aforesaid circumstances, the respondents are directed to communicate the decision taken under Section 5(A) of the Act pursuant to the objections submitted by the petitioner on 20-7-2006, expeditiously, and in any event, within a period of 48 hours from the date of taking of the decision under Section 5(A) of the Act, in case it is not done as yet. Communication of the decision taken under Section 5(A) of the Act to the petitioner shall be a condition precedent for exercise of the power under Section 6 of the Act.

The writ petition is disposed of with the above direction. No order as to costs.

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(GODA RAGHURAM, J)

01-08-2006.

NOTE: Issue C.C. as soon as possible.

(B/O)

Msr.

HON'BLE SRI JUSTICE GODA RAGHURAM

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(Msr)